

REMARKS/ARGUMENTS

Reconsideration of this application, in view of the foregoing amendment and the following remarks and arguments, is respectfully requested.

Claims 1-105 were originally presented for consideration in this application, with Claims 6, 14-26, 55-85, 93 and 95-99 having been withdrawn from consideration pursuant to applicants' previous September 29, 2004 provisional election which applicants hereby affirm.

The Examiner's indication that Claims 13, 39, 40 and 42-54 contain patentable subject matter is noted with appreciation. By the foregoing amendment, a "GOVERNMENT LICENSE RIGHTS" section has been added to applicants' specification, Claims 39, 55-85 and 95-99 have been canceled without prejudice or disclaimer, and Claims 1, 13, 38, 40, 41, 43, 86 and 100 have been revised, with Claims 13, 41 and 43 having been rewritten in independent form.

Accordingly, Claims 1-38, 40-54, 86-94 and 100-105 remain in this application for reconsideration and allowance. The Examiner has indicated that Claims 1, 38, 86 and 100 are generic.

Turning first to matters of form, in the foregoing amendment objected-to Claims 13, , 42 and 43 have been rewritten in independent form, thereby placing these objected-to claims in a condition for allowance. Additionally, objected-to Claim 40 has been placed in a condition for allowance by amending it to depend from Claim 38 which now contains the patentable subject matter of canceled Claim 39.

Turning now to the merits of applicants' claims, in his October 13, 2004 Office Action the Examiner made the following claim rejections which are respectfully traversed for reasons subsequently set forth herein.

1. Claims 1-5, 7-12, 86-92 and 100-105 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent 4,805,449 to Das;
 2. Claims 38 and 41 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent 5,024,098 to Petijean et al; and
 3. Claims 27-37, 44-54 and 94 stand rejected under 35 USC §103(a) over Das and Petijean et al, further in view of XP-002053711 to Kersey.
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THE ANTICIPATION REJECTION OF CLAIMS 1-5, 7-12, 86-92 AND 100-105
BASED ON U.S. PATENT 4,805,449 TO DAS

Via amended independent Claim 1, each of applicants' Claims 1-5 and 7-12 recites that approximately atmospheric pressure is applied to the structure in the well. Das has both interior and exterior surfaces of the structure exposed to well pressures. Accordingly, none of applicants' Claims 1-5 and 7-12 is anticipated by the Das reference.

Via amended independent Claim 86, each of applicants' Claims 86-92 recites that the calculating step specified therein is performed without connecting the first and second strain sensors in a wheatstone bridge. In contrast, the Das apparatus utilizes a wheatstone bridge. Accordingly, none of applicants' Claims 86-92 is anticipated by the Das reference.

Via amended independent Claim 100, each of applicants' Claims 100-105 recites the step of calculating the pressure differential and temperature change using indications from no more than the first and second strain sensors, whereas Das uses at least four strain sensors to determine a pressure differential. Accordingly, none of applicants' Claims 100-105 is anticipated by the Das reference.

THE ANTICIPATION REJECTION OF CLAIMS 38 AND 41

BASED ON U.S. PATENT 5,024,098 TO PETIJEAN et al

In the foregoing amendment this rejection of Claim 38 has been clearly overcome by incorporating in Claim 38 the patentable subject matter of the now canceled objected-to Claim 39.

Claim 41, which has been rewritten in independent form, recites that a predetermined pressure is contained within an annular space between the structure and an outer housing. In the Petijean et al reference, a predetermined pressure (0.1 Pa) is instead contained within the structure 10A,B while pressure in the annular space between the structure and the outer housing 2 is permitted to vary. It is thus respectfully submitted that Claim 41 is not anticipated by the Petijean et al reference.

THE OBVIOUSNESS REJECTION OF CLAIMS 27-37, 44-54 AND 94

BASED ON DAS/PETIJEAN et al AND KERSEY

Via their amended independent Claim 1, each of applicants' Claims 27-37 recites that approximately atmospheric pressure is applied to the structure in the well. Neither Das nor Petijean et al discloses or suggests this claim limitation. Further, this deficiency is in no manner cured by Kersey XP-002053711 which has been cited by the Examiner solely for its alleged teachings with respect to the use of fiber optic sensors. It is thus respectfully submitted that none of applicants' Claims 27-37 is rendered obvious by the Das, Petijean et al and Kersey references whether such references are considered singly or in any combination thereof.

Claims 44-54 are seen to be allowable over the proposed Das/Petijean et al/Kersey reference combination in view of their dependency from Claim 38 which contains the patentable subject matter of canceled Claim 39.

Via independent Claim 86, Claim 94 recites that the calculating step specified therein is performed without connecting the first and second strain sensors in a wheatstone bridge. Both Das and Petijean et al disclose the use of a wheatstone bridge. This deficiency in Das and Petijean et al is in no manner cured by Kersey XP-002053711 which has been cited by the Examiner solely for its alleged teachings with respect to the use of fiber optic sensors. It is respectfully submitted that Claim 94 is not rendered obvious by the Das, Petijean et al and Kersey references whether such references are considered singly or in any combination thereof.

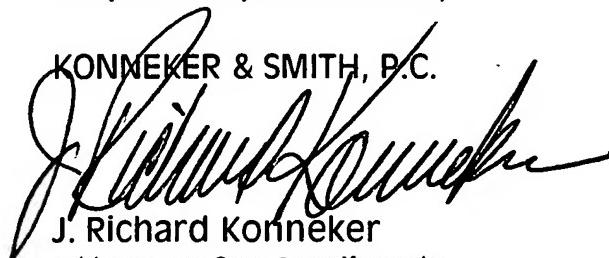
Finally, it is noted that the currently withdrawn Claims 6 and 14-26 depend from generic Claim 1, and the currently withdrawn Claim 93 depends from generic Claim 86. Given the clear allowability of generic Claims 1 and 86, the Examiner is respectfully requested to re-enter the currently withdrawn Claims 6, 14-26 and 93 into this application and allow them.

In view of the foregoing amendment, remarks and arguments, all of the claims currently pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of Claims 1-38, 40-54, 86-94 and 100-105 is therefore earnestly solicited.

The Examiner is hereby requested to telephone the undersigned attorney of record at 972/516-0030 if such would further or expedite the prosecution of the instant application.

Respectfully submitted,

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Dated: January 11, 2005

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

on January 11, 2005
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